DEPARTMENT OF THE NAVY

INVESTIGATIVE NOTES

1. CASE TITLE

UNLAWFUL DISCHARGE OF A FIREARM

2. CASE CONTROL NUMBER (CCN)

103241100-D5536 / ICR 1219

3. MADE BY	3. MADE AT	3. DATE	3. TIME
(b) (6)	BLDG 1373, NAVSTANPT, RI	04-OCT-2010	23:00

On 04-OCT-2010 at approximately 17:46 I monitored a radio broadcast from NAVSTA Newport Police (b) (6) requesting back-up assistance on Dupont Street. She stated something to the effect that she had one individual in handcuffs who had gun and she was also holding another person.

I telephoned the Police Dispatcher and told him to dispatch the two closest units to assist and stated that I would also be responding. Moments later NAVSTA Newport Police (b) (6) and I arrived at Melville Navy Housing simultaneously. However, (b) (6) was not on Dupont Street. She was actually located at the end of Craven St., a cul de sac at the north-east corner of the complex.

As (b) (6) and I arrived on scene I saw (b) (6) standing behind a white male in handcuffs, who was later identified as; (b) (6) (NWC/War Gaming). They were standing along side the rear of a gold colored pickup truck, bearing (b) (6) tactically bladed facing (b) (6) s police cruiser. Standing with his legs spread apart and leaned over with his hands on the hood of (b) (6) s police cruiser was another white male, who was later identified as; (OTCN/Fire Fighting School).

I immediately ordered (b) (6) to handcuff and search (b) (6) and had both suspects isolated and secured in different police cruisers. After verifying that (b) (6) was unharmed, I asked her what happened. She briefly stated something to the effect that she pulled on the guy (b) (6) holding a rifle, pointing it towards housing and it looked like he was trying to cock it. As soon as he saw her (b) (6) tossed the rifle onto the front seat of his pickup truck. As she was handcuffin (b) (6) (6) proached the both of them on foot. He was walking south from the pathway leading to the Melville Elementary School. Not knowing what was going on, she detained both subjects and immediately radioed for back-up. While awaiting the arrival of additional officers (b) (6) letermined that both males were active duty, enlisted Navy personnel.

Before taking any further action, I asked if both parties had been read their Article 31(b) Rights and told (b) (6) to make sure they were both advised before we started any questioning. She had already issued (b) (6) this rights, so (b) (6) was given his as well.

Upon closer inspection of the rifle in question, it was an older looking black colored/blued steel lever action rifle with a dark brown wooden stock and a scope



DEPARTMENT OF THE NAVY

INVESTIGATIVE NOTES

1. CASE TITLE

UNLAWFUL DISCHARGE OF A FIREARM

2. CASE CONTROL NUMBER (CCN)

103241100-D5536 / ICR 1219

	103.	Zilloo Deceo. los	
3. MADE BY	3. MADE AT	3. DATE	3. TIME
(b) (6) (b) (7)(C)	BLDG 1373, NAVSTANPT, RI	04-OCT-2010	23:00

mounted on it. It was later determined to be a Marlin Model 57, .22 Cal Levermatic®, but there was no serial number visible on the weapon. Subsequent research revealed that the Marlin Firearms Company produced the Levermatic® during the 1950's and 1960's, but pre-1968 models were not required to have serial numbers. The action on this particular rifle was partially open and there was a damaged .22 Cal live round facing up and jammed at the chamber.

Preliminary on-scene investigation revealed that (b) (6) and fired at least four (4) rounds from his rifle. He was reportedly trying to sight the scope on his rifle, so he set up a wooden box with a homemade paper target on it in the grassy area west of Craven Street. His firing position was south of his approximately 94 yards south of his target, so he was firing in a northerly direction. It should be noted that beyond the wooded area behind the homemade target is the Melville Elementary School, Melville Campground and the Rainbow Heights housing units. (b) (6) admitted to accompanying (b) (7)(C) to the scene, but denied any participation in the shooting. While (b) (6) was shooting his rifle, (b) (6) was reportedly walking the path towards the Melville Elementary School, just to see what where the pathway lead.

A search of the path and wooded area surrounding it yielded negative results for any evidence, weapons or contraband. However the following items were discovered during a search of the grassy area where the shooting took place: The homemade target, with four (4) bullet holes; a cloth rifle sleeve/case; a Stanley mini-tool kit; the keys to (b) (6) bickup truck; and a clear plastic box of CCI .22 Cal. Bullets. However, no spent shell casings ejected from the rifle could be located in the high grass as weather and lighting conditions decreased.

I directed that (b) (6) retrieve the patrol camera from the Sergeant's Office and respond to our location. Upon his arrival I took a total of fifteen (15) photographs, which were forwarded to (b) (6) I also took several measurements at the scene and created a map to illustrate the key positions and distances related to this incident. The map was also provided to (b) (6) for her report.

After photographs and measurements were taken all evidence was collected by (b) (6) In order to render the Marlin Levermatic® rifle safe (b) (6) and I had to remove the scope to access the chamber. I used a Leatherman tool to remove the bullet from it's casing, then (b) (6) emptied the powder out of the round and I was able to safely extract the casing from the rifle to render it clear and safe.

DEPARTMENT OF THE NAVY

INVESTIGATIVE NOTES

1. CASE TITLE

UNLAWFUL DISCHARGE OF A FIREARM

2. CASE CONTROL NUMBER (CCN)

103241100-D5536 / ICR 1219

	1032	100211100 Dece 01 1011 1225		
3. MADE BY	3. MADE AT	3. DATE	3. TIME	
(b) (6) (b) (7)(C)	BLDG 1373, NAVSTANPT, RI	04-OCT-2010	23:00	

I advised (b) (6) to proceed with the inventory and towing of the pickup truck and to transport both suspects to police headquarters for further investigation and processing.

At 18:07 I telephoned the NAVSTA Newport Police Acting OPSDIV Officer, (b) (6) and briefed him from the scene. Prior to departing the scene at 18:56 I also telephoned the NAVSTA Newport Command Duty Officer (CDO), (b) (6) and advised him as well. As a precaution, the Police Dispatcher was also directed to notify the Portsmouth, RI Police Department, in the event that they received any subsequent complaints of gunshot damage in the surrounding area of their Town.

Based on the initial review of the incident it was determined that at a minimum, the following charges should be applied to (b) (6)

- 1) § 934.ART 134 (C)(4) Clause 3 (c)(ii) (Ref. RIGL § 11-47-50 Firing Without Landowner's Permission Firing in Compact Area, as assimilated by Title 18 USC § 13).
- 2) § 934.ART 134 (C)(4) Clause 3 (c)(ii) (Ref. RIGL § 11-47-51 Loaded Weapons in Vehicles, as assimilated by Title 18 USC § 13).

Since the incident occurred on property "not part of school grounds" and it cannot be positively established that (b) (6) fired his rifle with "reckless disregard for the safety of another...at a place that the person knows is a school zone", the elements contained in Title 18 USC § 922 do not seem to apply. However, the incident occurred within a Navy Housing area covered by Exclusive Federal Jurisdiction, so (b) (6) may also be deemed to be in violation of § 892.ART 92 (a) for violating the registration and transportation provisions for firearms contained in NAVSTANPTINST 5530.7A (Privately Owned Weapons on NAVSTA Newport).

For complete details with regard to this case refer to (b) (6) CLEOC Incident Report and all related enclosures. ///END///

(b) (6)	(b) (7)(C)	
	_	ENC #

Oct 5, 2010 7:22:52 PM

Printed By: 3967 from: NETC00

Received Time:

Source ORI:

OHBMV0000

Summary:

View Message Details

Oct 5, 2010 19:21:13 RQ: (b) (7)(C), (b) (6)

RR.RIUSN01S0. XPIRES/20111221.



DATE: TIME: CCN / ICR: OFFENSE(S):

PHOTOGRAPHER: ARRESTING OFFICER(S): 04 October 2010 (Monday)

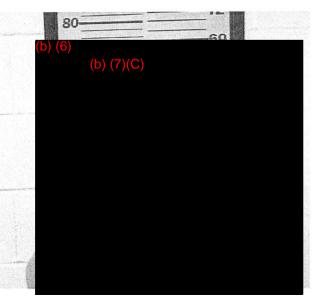
17:46

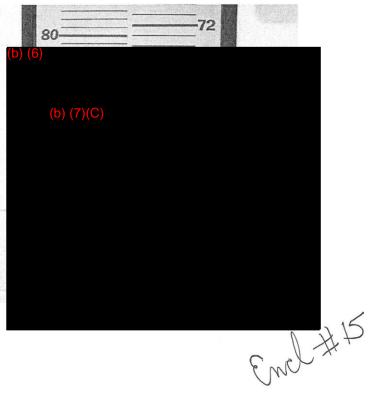
103241100-D5536 / 103241100-1219

1) UCMJ § 934.ART 134 (C)(4) Clause 3 (c)(ii) - (Ref. RIGL § 11-47-50) Unlawful Discharge of a Firearm; 2) UCMJ § 934.ART 134 (C)(4) Clause 3 (c)(ii) - (Ref. RIGL § 11-47-51) Loaded Weapon in Vehicle.

(b) (6

b) (7)(C), (b) (6) (Naval War College, War Gaming Dept.) LKA SS# DOB Heigh Weigl Hair -Eyes Build Comp





-	D	EPARTMENT OF THE NAVY		NTROL NUMBER(CCN)
EVIDE	EVIDENCE/PROPERTY CUSTODY RECEIPT D5536 -ICR 1219			
2. RECEIVING	A NEW	port Police	Bldg 1373 Nove	sta Newport, RI
4. NAME, GR	ADE AND TITLE (b) (6)	F PERSON FROM WHOM RECEIVED	ll(b) (6) (b) (7)(C)	
OWNE	R			
OTHER	3			
7. LOCATION	N OF PROPERTY	WHEN OBTAINED		
GRASS	sy field	- Approx 220ft U) est of CraveNSt	
8. PURPOSE	FOR WHICH OBT.	AINED	9. TIME/DATE OBTAINED	10. LOG NUMBER
☐ FOUND	☐ IMPOUND		1746 040ct0010	27-10
11. ITEM 12. C	DUANTITY 13. DISP ACTIO	OSAL 14. DESCRIPTION MARKS,	OF ARTICLE-MODEL NUMBER, SER. CONDITION, AND VALUE WHEN APPR	ROPRIATE.
A	1	CCI JACO LE	HPBOND CCI 26	2 Cal brass (damage
		INERT) CASE.		UELLAND
B		Sports man Du.	de Rifle sock co	25E (9 254)
		Sstof Six (6)	yellow Stanley s	SCREW DRIVERS
	1	IN PLISTIC CA	20-	1 de todo
D	- di	Six (6) foot P18	CE OT (YE HOW) TIS	A ROTINE
E		()	1 = (t1/1-) 11	12 6 10 111
		linch caudhoake	I hox with Four	(4) 22 Caliber
		hallet holes in i	L box with Four	
二	1	Block Sould M	PIDO booking F	ROOM Tape
1	,	DIGCIE SONY I'I	1100	
-		LA	STILEM	
15. NAME A	ND SIGNATURE (DF WITNESS (If available)	(b) (6) (b) (7)(C)	
			(b) (1)(c)	
		17. CHAIN	OF CUSTODY	
ITEM	DATE & TIM	(1.) (0)	RECEIVED BY	PURPOSE
A	2308	(b) (6)	LOCKER# 2	
Ta		UNDANIZATION A TOUR	ORGANIZATION	Evidence
F	040ctio	NAUTA NEWDOLL BLICE	EVIDENCE STORAGE	
,		(b) (b) (b) (7)(C)	V	
Λ	DECETIA	Lechent 2	NAME / SALA	Placed into
I Hto	Jul 110	ORGANIZATION	ORGANIZATION	EVIDENCE ROUM
F	1130	EVIDENCE STORAGE SIGNATURE	SIGNATURO 6)	
/ 1	*	\	(b) (7)(C)	
		NAME	NAME	11 11
		ORGANIZATION	ORGANIZATION	
		SIGNATURE	SIGNATURE	1
			CONTINUED ON DEVENS	BIN#19
OPNAV 5580/22 (S/N 0107-LF-984-	1200	CHAIN OF CUSTODY	CONTINUED ON REVERSE	LOCATION